UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1275
6 August 1998

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-third session

SUMMARY RECORD OF THE 1275th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 August 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

CONTENTS

OPENING OF THE SESSION

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

ADOPTION OF THE AGENDA

ORGANIZATIONAL AND OTHER MATTERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.98-17425 (E)

The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. The CHAIRMAN declared open the fifty-third session of the Committee on the Elimination of Racial Discrimination.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. TER HORST (Deputy High Commissioner for Human Rights) said that, while there had been no change in the number of States parties which had ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the Syrian Arab Republic had ratified the amendment to article 8 on the financing of the Committee's work, bringing the number of such ratifications to 24. However, many more would be needed before the amendment could enter into force.

3. Five States parties (Austria, Finland, Germany, Netherlands and Norway) had filed objections with the Secretary-General concerning the reservation made by Saudi Arabia regarding the application of the Convention to the effect that Saudi Arabia would implement the provisions of the Convention providing that they did not conflict with the precepts of the Islamic Shariah.

4. Since the Committee's previous session, the Commission on Human Rights had adopted resolution 1998/26, entitled "Racism, racial discrimination, xenophobia and related intolerance", in which it had regretted the continued lack of interest and financial resources devoted to the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and had noted that very few of the activities planned for the period 1994-1995 had been carried out. It had concluded that the financing of the Programme of Action was inadequate and suggested that the General Assembly should consider other sources of financing, including regular budget resources. The Commission had recommended that the activities of the Programme of Action should be directed towards preparations for the planned World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance.

5. The Commission had further decided to create an open-ended working group, to meet at its next session, to review proposals for the preparation of the World Conference. It had recommended that the High Commissioner for Human Rights should be designated by the General Assembly as the Secretary-General of the World Conference and that she should consult Member States with a view to determining a date and venue for the World Conference. States, regional organizations, non-governmental organizations and relevant United Nations bodies, including the Committee, were invited to take an active part in the preparations for the World Conference.

6. The Commission had invited the Committee on the Elimination of Racial Discrimination to submit its ideas about the objectives of the World Conference to the next session of the Commission and to the Preparatory Committee, to prepare a series of studies and to take an active part in the preparatory process and in the World Conference itself. He welcomed the

establishment of a three-member contact group to discuss the role and contribution of the Committee with the Commission and the Office of the High Commissioner for Human Rights.

7. He drew the Committee's attention to the inter-branch Racism Project Team established within the Office of the High Commissioner in March 1998 to coordinate all the Office's activities related to racism. The secretariat of the Committee formed part of that team, which would also liaise with other United Nations bodies and with intergovernmental and non-governmental organizations.

8. He welcomed the completion by two experts from the Committee, together with two experts from the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of a joint working paper on article 7 of the International Convention, which he hoped would be followed by further collaborative efforts. There had been a suggestion that the Committee and the Sub-Commission should hold a joint seminar on human rights education, which might be a useful contribution to the preparations for the World Conference. He assured the Committee of the continued support of the Office of the High Commissioner for Human Rights in the Committee's important work.

9. Mr. BANTON congratulated the Deputy High Commissioner on the World Wide Website set up by the Office of the High Commissioner (http://www.unhchr.ch). He suggested that State party reports due for consideration by the Committee should be made available and clearly advertised on the Website well in advance, to assist the work both of Committee members and of other interested parties such as non-governmental organizations. He regretted that so important a document as the report of the latest meeting of persons chairing the human rights treaty bodies was not yet available on the Website. He suggested that a section of the Website should be devoted to information relating to the preparations for the World Conference against Racism.

10. The CHAIRMAN said that he had been concerned to note from the Spring 1998 issue of Human Rights, a quarterly review of the Office of the United Nations High Commissioner for Human Rights, that the Office's budget was extremely small, particularly its budget for the campaign against racial discrimination. He suggested that the Committee should hold a short meeting with the Office of the High Commissioner to discuss the low level of budget resources available.

11. Members of the Committee held differing views regarding the question of reservations, and a paper had been prepared on the subject. His own opinion was that it was a matter for States parties and not a concern of the Committee.

The meeting was suspended at 10.30 a.m.
and resumed at 11.20 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/341)

12. The CHAIRMAN invited the Committee to adopt the provisional agenda (CERD/C/341).

13. Ms. McDOUGALL asked whether the planned World Conference would be discussed under agenda item 9, "Third Decade to Combat Racism and Racial Discrimination".

14. The CHAIRMAN suggested that it should be considered under agenda item 2, "Organizational and other matters", without prejudice to further discussion under item 9.

15. Mr. de GOUTTES drew the Committee's attention to the general guidelines regarding the form and contents of periodic reports (CAT/C/14/Rev.1) adopted by the Committee against Torture. Those guidelines emphasized the importance of information which the Committee had requested after considering a periodic report, and called upon States parties to include a special section containing that information in their next report. It was a useful idea which the Committee on the Elimination of Racial Discrimination might wish to adopt.

16. The CHAIRMAN suggested that, as from its next session, the Committee should add a new agenda item, with a title such as "General debate", under which it would devote one or two meetings to discussing topics of a general nature not covered by the consideration of State party reports. Examples might be the budget resources allocated to United Nations human rights activities, the impact of the Committee's general recommendations, or the issue of compensation in cases of racial discrimination, not only for victims of the Holocaust, but also for American Indians, slaves shipped to the Americas from Africa and countries whose cultural treasures had been plundered to adorn other countries' museums. Such a debate would enable the Committee to address the really major and vital issues of racial discrimination, such as the genocidal massacres which took place so frequently in various parts of the world, instead of confining itself to the details of a State party's legislation.

17. Mr. SHERIFIS, observing that the Committee should be concerned with the critical issues of the day, suggested that, in the context of such a general debate, it should assess the extent to which the Committee's general recommendations, notably General Recommendation XXII on refugees and displaced persons and General Recommendation XXI on the right to self-determination as a basis for an alleged right to secession, both of them relating to major worldwide issues, had been implemented since their adoption by the Committee two years earlier.

18. Mr. GARVALOV agreed that a general debate would be conducive to a detailed discussion of wider issues that could not be addressed during the consideration of periodic reports. In addition to addressing the specific problems alluded to by Mr. Sherifis, the Committee could also put forward ideas on the forthcoming World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, discuss the general compliance of States parties with the Convention, or consider whether the positions the Committee had taken on minorities had perhaps downplayed or overplayed minority rights.

19. Mr. van BOVEN observed that the Committee on Economic, Social and Cultural Rights also devoted one day to a general discussion, but focused on one broad issue determined in advance, and that the Committee, too, would do

well to limit its focus. Moreover, the Committee on Economic, Social and Cultural Rights invited outside experts to participate in its discussion. The Committee on the Elimination of Racial Discrimination would attract more attention and reach a broader audience if it did the same. It would be an innovative approach, but one not precluded by the Convention.

20. Mr. SHERIFIS suggested that the general debate could focus partly on broad issues and partly on more specific ones. As for the participation of outside experts, the Committee could, for instance, in the event of a discussion on General Recommendation XXII, invite the representative of the Secretary-General on internally displaced persons and the United Nations High Commissioner for Refugees to participate in the discussion of those topics.

21. Mr. de GOUTTES said that, although such an approach would have financial implications, he agreed with Mr. van Boven that the Committee had to be more open to the outside world and establish closer relations with those working in the human rights field elsewhere. The Committee should revive the procedure of having individual members responsible for liaison with outside groups in particular areas.

22. The CHAIRMAN said that he agreed the Committee could move progressively towards establishing a day of general debate, for which members might propose topics in advance.

23. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS

24. The CHAIRMAN invited comment on the matters proposed for discussion in paragraph 2 of the annotations to the provisional agenda.

25. He again drew attention to the Spring 1998 issue of the quarterly review Human Rights, page 29 of which indicated that of the 54 million dollars in financial requirements for human rights activities for 1998, only 20 million dollars had been contributed; there had been no contributions whatsoever for action to combat racism and racial discrimination, for indigenous people, or against slavery.

26. Mr. BANTON, recalling the concluding observations adopted at the previous session concerning the seventh to ninth periodic reports of Israel, and specifically the paragraph on the treatment of detained persons, said that the Committee against Torture had recently adopted concluding observations that took into account allegations of ill-treatment. He suggested that they should be circulated to members of the Committee on the Elimination of Racial Discrimination, so that one or two sentences could be added to its own concluding observations, drawing attention to the conclusions of the Committee against Torture.

27. The CHAIRMAN suggested that the concluding observations adopted on the same issue by the Human Rights Committee should also be circulated.

28. Mr. RECHETOV said that the Committee had to take an even-handed approach to all periodic reports. There had been reactions from other countries and

other bodies to the Committee's concluding observations on other periodic reports; and if the Committee reacted in one case, it might be forced to do so in others. He urged members not to revise decisions already adopted on a periodic report.

29. Mr. van BOVEN drew attention to a letter received from the Government of the Federal Republic of Yugoslavia containing comments on the Committee's concluding observations concerning Yugoslavia's eleventh to fourteenth periodic reports. The letter must be taken up by the Committee at its current session, possibly under agenda item 3 or 4, not only because of the recent deterioration of the situation in Kosovo, but also since it raised issues concerning the status of comments on concluding observations submitted by States parties.

30. The CHAIRMAN confirmed that the letter would be given due attention, particularly since it called for a decision by the Committee on whether the publication of such comments in the Committee's report to the General Assembly would be in accordance with article 9.2 of the Convention.

31. Mr. GARVALOV reported on the work of the small contact group established at the Committee's fifty-second session to liaise with the Preparatory Committee for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance and to ensure the Committee's active participation in preparations for the event. At the end of the previous session the contact group had held talks with representatives of the Preparatory Committee to make it clear that, collectively and individually, the Committee could provide valuable input to the preparations for and work of the Conference. A list of the key issues to be included in the Conference agenda had been drawn up. As chairman of the contact group, he had also addressed the Commission on Human Rights to convey the Committee's views on the Conference. He drew attention to paragraph 51 of Commission on Human Rights resolution 1998/26 which invited the Committee to play an active role in preparations for the Conference.

32. Since the previous session members of the contact group had continued to exchange ideas which it hoped to share with the members of the Committee. He suggested, therefore, that an open-ended working group should be set up early in the current session with a view to preparing a final report on the subject for submission to the next session of the Commission on Human Rights.

33. The CHAIRMAN thanked the contact group for its efforts and requested it to prepare a document to facilitate the Committee's discussion on the subject.

34. Mr. DIACONU shared the concerns voiced regarding reservations to the Convention and related comments. The information currently available to the Committee on the subject was very out of date (document CERD/C/60/Rev.2) and made no mention of important reservations such as those by the United States, Saudi Arabia, Japan and Yemen. More up-to-date information must be provided. He further requested that copies of the recently adopted Statutes of the International Criminal Court should be made available to members of the Committee.

35. He was not satisfied with the way the Committee had dealt with matters relating to the crisis in Kosovo at its previous session. The Committee's concluding observations were not objective and did not reflect all the views expressed. Since regional and international bodies now had a better understanding of the issues at stake, the Committee should redraft its comments on the subject.

36. The CHAIRMAN said he hoped that Mr. van Boven, who had attended the Conference in Rome which had adopted the Statutes of the International Criminal Court, would be able to provide the Committee with some insight into the matter during its discussion.

37. Mr. HUSBANDS (Secretary of the Committee) said that all reservations to and comments on international instruments were officially registered with the Secretary-General, with a weekly electronic update. Such information could be made available to Committee members.

38. Mr. RECHETOV endorsed Mr. Diaconu's request to provide updated information on reservations and comments in an easily readable format. The whole issue of reservations to the Convention required serious consideration by the Committee and might be discussed on the basis of the joint contribution submitted by Mr. Diaconu and himself.

39. The Committee must also examine in detail the Statutes of the International Criminal Court and make its views known on the document, as appropriate. He welcomed the idea of a court with international jurisdiction for war crimes, unlike the Nuremberg, the Hague or other war crime tribunals which had been set up for a specific purpose, under special circumstances, and could not therefore be entirely impartial.

40. Mr. SHERIFIS sought clarification. He had understood that the letter from the Federal Republic of Yugoslavia would be discussed in connection with agenda item 4, with recent events in the province of Kosovo being discussed as and when appropriate.

41. He welcomed the information provided by the secretariat on the comparative costs of meetings in New York and Geneva and would appreciate further information on the venue and costs of meetings of other bodies. He hoped that the important matter of meeting costs which came under agenda item 2 would be dealt with promptly.

42. Mr. VALENCIA RODRIGUEZ thanked the contact group for its efforts, which he hoped would be pursued during the current session. He would welcome more information on the financial constraints, which reportedly might delay the holding of the World Conference.

43. The document drafted by Mr. Diaconu and Mr. Rechetov on reservations was very useful and required careful consideration by the Committee, whose comments might be helpful to States parties, bearing in mind the Chairman's observations about the Committee's competence to comment on States parties' reservations.

44. Mr. SHAHI asked if the contact group could ascertain whether the World Conference against Racism would look at the question of racist propaganda and material on the Internet, a matter which was of particular concern to developing countries. Commending the study prepared by Mr. Diaconu and Mr. Rechetov on reservations, he asked if the Committee was competent to express an opinion as to whether reservations conflicted with the object and purpose of the Convention, and, if so, what effect that would have. It should be borne in mind that the issue concerned other treaties as well.

45. Mr. de GOUTTES enquired about developments regarding the various subjects proposed by the Committee as warranting attention at the World Conference and wondered whether the Committee might single out some of those subjects for particular emphasis by the contact group.

46. He also asked whether Mr. Banton intended to continue the work he had done thus far on analysing the status of implementation of the Convention in States parties and whether he would submit his findings to the World Conference.

47. The CHAIRMAN informed the Committee that Kuwait and Estonia had requested that consideration of their reports should be postponed.

48. Mr. RECHETOV said that the Committee needed to be given assurances as to when it could consider those reports.

49. The CHAIRMAN said that the Permanent Mission of the State of Kuwait had requested postponement of consideration of its report (CERD/C/299/Add.16) until the fifty-fourth session, thereby implicitly committing itself to a specific date.

50. Mr. HUSBANDS (Secretary of the Committee) read out a note from the Permanent Mission of the Republic of Estonia in which it regretted the delay in submitting its initial report but did not commit itself to a particular date.

51. The CHAIRMAN proposed that consideration of the report of Kuwait should be postponed until the fifty-fourth session and that the report of Estonia be scheduled for the August 1999 session.

52. It was so agreed.

53. Mr. van BOVEN expressed his concern at the absence of certain members of the Committee whose other commitments prevented them from fulfilling the mandate entrusted to them. He suggested that the Chairman or the Secretariat might contact those members to ask them whether they intended to participate in the work of the Committee, if the members had not already informed the Secretariat of their plans.

54. The CHAIRMAN said that Mr. Ferrero Costa had advised him that he would be unable to attend the session, and that Mr. Wolfrum would arrive in time for the second week of the session.

55. Mr. RECHETOV said that he, too, felt that the absence of members of the Committee for entire sessions was detrimental to the quality of the work of the Committee.

56. The CHAIRMAN said that he would contact the absent members of the Committee.

57. Mr. BANTON said that during the session he intended to raise the question of the situation of gypsies in the Czech Republic. He had documentation which he had passed on to Mr. Diaconu, who had been Country Rapporteur when the Committee had considered the initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1) in March 1998. Other members of the Committee were also requested to give him any relevant information they might have.

The meeting rose at 1 p.m.